

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	MM Docket No. 92-281
)	
Amendment of Section 73.202(b))	RM-8118
Table of Allotments.)	
FM Broadcast Stations.)	
(Columbia Falls, Montana))	
_____)	

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

PETITION FOR RECONSIDERATION

Pursuant to 47 CFR §1.420(f) et seq., Bee Broadcasting, Inc. ("Bee") petitions for reconsideration of the Report and Order, DA93-151, RM-8118, MM Docket 92-281, released March 2, 1993. Bee filed Comments, in the proceeding below, opposing an upgrade proposed by Frank Copsidas, Jr. ("Copsidas").

1. The Report and Order erroneously concludes that Copsidas' proposal will provide city grade coverage to the community of Columbia Falls. Id. at ¶4. Both Copsidas and the FCC staff's engineering analysis ignore, however, the "real-world" fact that a mountain range between the Copsidas tower site and Columbia Falls precludes line-of-sight coverage to all of Columbia Falls. Bee has presented probative evidence of this fact. See Comments, filed January 21, 1993, at Appendix A. Indeed, Copsidas' proposed site is inferior to Bee's tower site, and even Bee's KBBZ-FM does not provide "city grade" coverage to Columbia Falls. Id. at Attachment 1 to Appendix A. Simply put, the Whitefish Range currently precludes Bee's FM station from providing city grade coverage to Columbia Falls; a fortiori, Copsidas' proposal to provide such service from a site inferior to Bee simply cannot be validated. Not only should the staff's decision to grant the Channel 240C2 upgrade

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be reconsidered and denied, the Channel 240A permit never should have been granted.

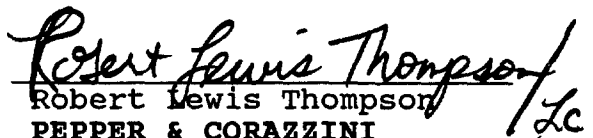
2. Moreover, the Report and Order fails seriously to address Bee's argument below that Copsidas' proposal reveals his true desire to provide principal service to Whitefish (and Kalispell) rather than Columbia Falls. The Report and Order erroneously makes no specific findings on this issue whatsoever. Id. at ¶4. It cites Copsidas' reference to Bee maintaining its main studio for KBBZ (FM), Kalispell, at Whitefish. Id. at ¶3. That oblique reference ignores the fact that Bee has chosen to co-locate his AM-FM studios in Whitefish -- which is less populated than Kalispell -- merely because the preexisting AM studio was already there. Copsidas has business interests in Whitefish and has commented publicly about locating his FM operation there -- rather than in less-populated Columbia Falls. See Comments, supra, at ¶3. The Report and Order erred in failing even to address this issue.

3. In sum, not only will Copsidas not provide the required city-grade coverage to Columbia Falls, the evidence discloses he does not intend to serve Columbia Falls. The upgrade proposal should be denied.

Respectfully submitted,

BEE BROADCASTING, INC.

By


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April 1, 1993

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CERTIFICATE OF SERVICE

I, Veronica Pierce, a secretary with the law firm PEPPER & CORAZZINI, do certify that on this 1st day of April, 1993, I served copies of the foregoing "Petition for Reconsideration" by U.S. Mail upon the following:

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